

HAMILTON COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 23, 2004

The Hamilton County Board of Commissioners met on Monday, February 23, 2004 in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. A quorum was present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt.

**Juvenile Justice Center Project Work Session:** [Disk #1, 10:57:20]

Mr. Larry Dawson reviewed the changes made to the Juvenile Justice Detention Center project since the last meeting. Mr. Dawson stated the project started at 100,000 square feet, reduced it by approximately 10,000 square feet when we removed the Court and the Prosecutor's office which brought it to 91,000 square feet. Additional square footage was added for the additional detention pod, an arraignment closet and a multi-purpose room that could be used for arraignment and a connecting corridor, which brought the project to 101,000 square feet. A user group took a trip to St. Joseph County and looked at their facility. The user group has requested to add additional square footage and change the way shelter care was used, which added 500 square feet and increased probation violators space of 500 square feet. The change moves probation violators to the next main entrance, reconfiguring the building with added corridors, a second exit for probation violators and shelter care, which is approximately 2,900 square feet. We have moved classrooms from the cell area to centralized lock up, added a computer lab and a observation desk for an additional 800 feet and activity rooms in each cell pod that were almost 3,000 square feet, added a sallyport from the physical fitness room that is 200 square feet which added a total of 8,200 square feet to the building from the user group trip. We ended up with a project that is 110,000 square feet. Mr. Dawson stated there were questions about the Probation Department whether or not it belongs at the Cumberland Road site, how much belongs out there, how much was related directly to the courts and would or should stay in the Judicial Center. There are two options, the price is the same if we don't change anything. Option 1 - if we eliminate about 4,000 square feet and take the building straight down the front and not have the bump out space, it would save \$572,000. Option 2 - shell out probation or programming space only would save \$232,000. Option 3 - eliminate Pod D would save \$1,023,000. Option 4 - shell out the pod only would save \$204,000. Altman asked if it will be cheaper if we shell it out now rather than building it later? Mr. Mrak stated yes. Altman asked if Option 1 is anticipating a fixed wall system verses a modular system? Mr. Mrak stated it could go either way, you will be putting more in the furniture budget if you are building less walls. Altman stated you will gain flexibility in the long term within that space if you don't put fixed walls in. Mr. Mrak stated for the future. Mr. Mayer stated those partitions are very expensive, there is not much cost difference. Mr. Dawson stated if the desire is to go with the fixed walls, the discussion has been that the office space could be dropped to 120 square feet per office instead of the 160 square feet. Probation is not as much of the cost issue as much as where the Commissioners think this section of the county's operations should be located over the long term. Holt stated his preference would be Options 1 & 3 with a \$1.6 million in savings. Altman stated she would like Options 2 & 4. She wants to shell out the pod, not finish it. Dillinger stated he likes Options 2 & 4. Altman stated we have needs at the Jail that she would like to serve with this bond issue, to expand the kitchen to service this to the extent we legally can. Altman stated she would like to maximize the jail facility so it is at maximum functioning for that size of a facility, instead of doing band-aids. Holt stated the question is whether we have the luxury to plan out 30 years on this facility when we have felt we did not have the luxury to do that with any other facility. This was a five year facility. Altman stated she does not see it 30 years. Holt stated the users do, it has been repeatedly stated that this footprint is for a 30 year facility. Holt stated he met with Madonna Roach and Jeff Marcum and came away from the meeting thinking the immediate future for probation is to be in the school districts. As the County Council plans the funds to hire more juvenile probation officers through the years that we are much better served putting them where the users are. We have one at Carmel, one at Hamilton Southeastern right now. Westfield has asked for one, but we don't have funds to place them there. Madonna explained to him that we could have two officers in Carmel and Southeastern in terms of needs right now. It seems like a logical thing to do. Building space for juvenile support on Cumberland Road, when we could be putting those resources into other county needs, does not seem logical. Mr. Marcum stated the intake offices are for intake probation officers that will be there 24/7. There will need to be space for the parents to meet with the intake officers too. Altman stated she is looking at jail administration if we shell this space out. She would like a law enforcement function. Altman asked Captain Stevens where are we on jail administration on the jail size, as far as space? Captain Stevens stated we will need space for intake program and kitchen, we would incorporate additional administration in to the intake remodel space. Altman stated the current Judicial Center was supposed to serve 10-20 years. It was built in 1993, we are now at maximum. Dillinger stated we have not anticipated 30 years on anything we have built, maybe we should have, maybe we would not be doing this now. Holt stated if we had we would probably not have built the 1993 building because we would have spent our bonding abilities on the Judicial Center. You have to provide for the current needs. In this economic climate we have the luxury of spending for 30 years down the road, particularly that conceptually Madonna thinks our next initiative is to get the juvenile probation people out in to the field. Altman stated is that not what we are doing with programming? Altman stated the concept was to have it centralized at this location and have kids come in for programming needs, probation, etc. Now she is hearing it has changed and we are going out into the field to the schools, if that is the concept we need to revisit this whole plan. Captain Stevens stated if you look at the original development for this project, the in-school probation officer was simply one element of a multitude of programs, the majority of which would be based in that facility. The in-school probation officer is the next step in the total picture of program development for juveniles. Holt stated kids that are kicked out of school will report here, kids that go to private schools outside of Hamilton County will report here, the vast majority of kids that are on probation are in our public school system in Hamilton County and the logical way for them to report is at the school they attend. Altman stated she does not disagree with you, that was the problem she had with the concept of programming that was centralized with no transportation. If we are going to change that concept, does that change this programming at all? We are going to stretch the probation needs and provide programming with our levy limit. We are going to need relief from the levy limit to get it done. To say we are going to put more people out in to the schools is even feasible with the fiscal constraints that she foresees in the next 10 years. Holt asked why build office space for people we can't afford to hire when the next hires are the people that go out in to the schools 10 years from now. Altman stated this is not for new hires, if we run in to a crunch she foresees juvenile probation coming over to Cumberland Road. She does not want to do it right now, but wants to build that possibility in to the scheme for relatively cheap dollars. If it is going to take us how long to build another portion of this building to house our other needs, she sees another 10 years to get going on more facilities at this location. We are going to pop on space long before that. Holt stated you have to define what juvenile probation is, do you want the officers that are in the courtrooms out there? The intake people are going to be there for three shifts, the program people are going to be there. Do you want the school people to be there instead of the schools? Altman stated that is not the point, the point is to shift over if we need the space in this building to accommodate other needs. Holt stated there are many unassigned offices throughout the complex, we don't have anything in county government that grows at anything close to those projections for additional office space. Altman stated 10,000 square feet was anticipated, when the Council gave approval for the bond issue, with the shell out for secured detention. The difference in this plan is secured detention was finished and that is not what was directed at all, it was a shell out. Mr. Dawson stated we had 100,000 square feet that we traded 10,000 out for the courts, prosecution and then added in for additional secure

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space. Mr. Dawson stated when we talk about 30 year build-out, that is what probation thinks, there space in this building is. The Detention is not, the first three pods will accommodate us for 10 years. Dillinger asked Mr. Dawson what his opinion is? Mr. Dawson stated we have a budget that if we build it like it is, does not have much flexibility. He believes everybody has a point, if we build out the secured detention space now, it is the cheapest time we will ever have the opportunity to build it. If the county is going to grow and probation is going to grow as everybody thinks it will, according to the Huskey Report, Joe Mrak has done a great job of laying this out. Probation will have to go some place. Do we need 30 years? It is a stretch in his mind. Holt motioned to adopt Options 1 & 3, which would be deletion of the west half of the lower western quadrant and the deletion of the Pod D. No second. Motion dies due to lack of a second. [11:25:30] Altman motioned to approve Options 1 & 4. Dillinger seconded. Altman and Dillinger approved. Holt opposed. Motion carries.

Mr. Howard asked if we still want to seek the maximum amount of the bond and maximum lease rental when we go to the State Tax Board? Altman stated we don't have a choice, it is the same project that we presented.

Dillinger adjourned the work session. [11:29:19]

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**Hamilton County Board of Finance:**

President Holt called the February 23, 2004 meeting of the Hamilton County Board of Finance to order. A quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Treasurer, Sally Wilson.

**2003 Annual Investment Report:**

Ms. Wilson presented the 2003 Annual Investment Report. Rates are down from 2002. Total interest earned on our Sweep Account (checking account) was \$190,138.25. Tax Collection Accounts interest earned - \$32,334.83. Certificates of Deposit (2)- Congressional School Fund - \$2,043.62. Average rate of income on the treasury notes was 1.06%, with total income of \$251,395.00. Because we needed to keep things liquid she used money market savings accounts as much as possible, with a total income of \$783,369.69. Total interest income in 2003 was \$1,259,281.39. Dillinger motioned to approve the report. Altman seconded. Motion carried unanimously.

Dillinger motioned to adjourn the Board of Finance meeting. Altman seconded. Motion carried unanimously.

**Hamilton County Board of Commissioners Meeting**

President Dillinger called the February 23, 2004 meeting of the Hamilton County Board of Commissioners to order. Dillinger declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

**Approval of Minutes:** [Disk #2, 1:04:55]

Holt motioned to approve the February 9, 2004 minutes. Altman seconded. Holt and Altman approved. Dillinger abstained. Motion carried. Holt motioned to approve the February 16, 2004 minutes. Altman seconded. Motion carried unanimously.

**Executive Session Memoranda:**

Holt motioned to approve the Executive Session Memoranda for February 23, 2004. Altman seconded. Motion carried unanimously.

**Bid Opening**

**Bridge #145, Oak Road over Cool Creek:** [1:05:40]

Mr. Michael Howard opened the bids for replacement of Bridge #45, Oak Road over Cool Creek. Form 96, Bid Bond, Acknowledgment of Addendum and Financial Statements are included unless otherwise indicated. 1) Erber and Milligan - \$305,954.35. 2) Gohmann Asphalt Construction - \$297,885.22. 3) Rieth-Riley - \$352,373.05. Financial information is not apparent. 4) George Harvey & Sons - \$297,564.25. 5) Duncan Robertson - \$256,357.01. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later today. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Plat Approvals** [1:12:14]

**Canal Place, Sections 2 & 3:**

**Marina Village:**

Mr. Steve Broermann presented plats for Canal Place, Sections 2 & 3 and Marina Village for approval. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Juvenile Justice Detention Center Design:** [1:13:13]

Mr. Larry Dawson stated on the Juvenile Justice Detention Center stated they are seeking approval to go past schematic design. Four options were presented to the Board during a work session held earlier today. Dillinger stated the Board voted during the work session to approve Option 1 - build and finish of the probation department and Option 4 - build exterior shell of one detention housing pod only. These two items saves approximately \$600,000. The vote was 2-1 with Holt voting against. Altman stated she thinks the savings were a total of \$776,000. Mr. Howard stated the total budget of the project will not be reduced. Holt stated his motion, which did not get a second vote, represented \$1,600,000. Altman stated the decision to shell out the secure bed portion was based upon the fact that all though we don't see a huge cost savings of not completing the bedding, installing toilets, etc., the costs to revisit that at a later date would be substantially more than the \$800,000 invested at today's date. Dillinger concurred. With some of the county buildings over the last 16 years we have tried to anticipate the growth and needs of the county. Most of those we projected for a 10-20 year life span. That has proven to be not as accurate as we would have like to have been. This is theoretically looking out 30 years in the future, which will probably be 15 years.

**Highway Business** [1:17:52]

**Road Cut Permits:**

Mr. Jim Neal requested approval of an Open Road Cut Permit: 1) RDCUT 2004-0004 - Vectren Energy Delivery - 30' north of Centerline of 105th Street and 11' east of Centerline of Combs Street. To repair leak on distribution valve. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Neal requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-04-0005 - Ohio Casualty Group Permit Bond #3-803-310 issued on behalf of Greg S. Trump in the sum of \$5,000 for temporary driveway permit at 19677 Victory Chapel Road to expire January 21, 2005. 2) HCHD #B-04-0006 - Cincinnati Insurance Company Maintenance Bond No. B-80446345 issued on behalf of EDSAM Construction, Inc. in the sum of \$25,000 for seed planted after October 15, 2003 for Project No. PB-01-0008. Replacement of Bridge #255, Six Points Road over Jay Ditch to expire January 16, 2005. 3) HCHD #B-04-0007 - Arch Insurance Company Bond No. SLJ 5005345 issued on behalf of Centex Homes in the amount of \$46,517 for stone base, HAC binder, HAC surface, concrete curbs, street names & regulatory signs for The Intracoastal at Geist, Section 4A to expire February 4, 2005. 4) HCHD #B-04-0008 - Arch Insurance Company Bond No. SU 5005341 issued on behalf of Centex Homes in the amount of \$34,576 for stone base, HAC binder, HAC surface, concrete curbs, street names and regulatory signs in The Intracoastal at Geist, Section 2B to expire February 4, 2005. 5) HCHD #B-04-0009 - Arch Insurance Company Bond No. SU5005255 issued on behalf of Centex Homes in the amount of \$101,802.56 for stone base, HAC binder and surface, concrete curbs, street names and regulatory signs for The Ridge at Hayden Run, Section 2 to expire February 4, 2005. 6) HCHD #B-04-0010 - State Auto Insurance Companies Annual Permit Bond No. 6903948 issued on behalf of Strubble Excavating, Inc., in the sum of \$25,000 for work in right of way to expire February 11, 2005. 7) HCHD #B-04-0011 - Auto Owners Insurance Bond No 03770266185213 issued on behalf of Walker & Sons Construction, Inc. in the sum of \$5,000 to expire July 15, 2004. 8) HCHD #B-04-0013 - Western Surety Company Permit Bond issued on behalf of Flynn and Zinkan Holdings, LLC in the amount of \$50,000 for general contractor for commercial drive - 730' north of Centerline of the intersection of Olio Road and 116th Street on west side of Olio Road to expire January 22, 2005. 9) HCHD #B-04-0014 - Western Surety Company Permit Bond issued on behalf of Flynn and Zinkan Holdings, LLC in the amount of \$5,000 for a bore under Olio Road to connect new sanitary sewer at 1050 LF north of the Centerline of the intersection of Olio

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Road and 116th Street to expire January 22, 2005. 10) HCHD #L-04-0001 - Fifth Third Bank Letter of Credit #CIS402105 issued on behalf of The Marina Limited Partnership in the sum of \$3,000 for street signs for Canal Place, Section 2 to expire January 22, 2005. 11) HCHD #L-04-0002 - Fifth Third Bank Letter of Credit #CIS402108 issued on behalf of The Marina Limited Partnership in the sum of \$193,485 for streets and curbs for Canal Place, Section 2 to expire January 22, 2005. 12) HCHD #L-04-0003 - Fifth Third Bank Letter of Credit #CIS402109 issued on behalf of the Marina Limited Partnership in the sum of \$47,455 for streets and curbs for Canal Place, Section 3 to expire January 22, 2005. 13) HCHD #L-04-0004 - Fifth Third Bank Letter of Credit #CIS402112 issued on behalf of the Marina Limited Partnership in the sum of \$1,000 for street signs for Canal Place, Section 3 to expire January 22, 2005. 14) HCHD #L-04-0005 - First National Bank & Trust Letter of Credit #3470 issued on behalf of A.W. Teter Family Retreat Foundation, Inc. in the sum of \$6,000 for road improvements in the future at the Teter Retreat site to expire January 30, 2006. 15) HCHD #L-04-0006 - Madison Community Bank Letter of Credit No. 3235 issued on behalf of GWZ-2 Development in the sum of \$26,922 for the water main installation/improvements in Wexley Chase to expire February 4, 2005. 16) HCHD #L-04-0007 - Madison Community Bank Letter of Credit No. 3236 issued on behalf of GWZ-2 Development in the sum of \$20,615.60 for the water main installation/improvements in Wexley Chase to expire February 4, 2005. 17) HCHD #L-04-0008 - Fifth Third Bank Letter of Credit No. CIS402167 issued on behalf of The Marina Limited Partnership in the amount of \$60,442 for streets, curbs and street signs for Marina Village Duplex to expire February 13, 2005. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Highway Department:**

Mr. Neal requested release of Bonds and Letters of Credit for the Highway Department: 1) HCHD 3B-01-0021 - United Fidelity and Guaranty Permit Bond issued on behalf of Precedent Development for an open road cut 1035' south of Governors Lane on Geist Road in Fall Creek Township. 2) HCHD #B-02-0007 - SAFECO Insurance Company Bond #6153667 issued on behalf of Centex Homes, Inc. for a temporary Drive, approximately 2680' west of Towne Road on 131st Street in Clay Township. 3) HCHD #B-03-0008 - United States Fidelity & Guaranty Permit Bond issued on behalf of Globe Asphalt Paving Co., Inc. for a commercial drive, 1400' west of Brooks School Road on Fall Creek Road in Fall Creek Township. 4) HCHD #B-03-0012 - St. Paul Fire & Marine Insurance Company Bond #400SD4230 issued on behalf of Lauth Property Group, Inc. for a commercial drive, west of Towne Road on 116th Street in Clay Township. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Agreements/Supplements [1:19:04]**

**Bridge #257 Utility Agreements:**

Mr. Neal requested approval of non-reimbursable Utility Agreements for Bridge #257, Lantern Road over Shoemaker Ditch. HCHD #M-04-0016 with Cinergy Corp/PSI Energy, Inc. and HCHD #M-04-0017 with Vectren Energy. Holt motioned to approve. Altman seconded. Altman would like included in subsequent agreements for utilities where we are allowing them to place in our right of way that we have a clause where they will agree to relocate those utilities within a time frame for future projects. It has been the time frame of relocations that have been slowing down our projects and we need to get it up front. Motion carried unanimously.

**Bridge #257 Supplemental Agreement No. 2:**

Mr. Neal requested approval of Supplemental Agreement No. 2, HCHD #E-02-0011 with Beam, Longest and Neff for replacement of Bridge #257, Lantern Road over Shoemaker Ditch. Recently DNR has changed its policy requiring us to do more extensive hydraulic modeling with our structures. In this case that has resulted in an increase of \$7,600 to the design. Holt asked if that is a change from DNR that is beneficial to the County? Mr. Neal stated we have not had a chance to look at it. The change is going to require us to do all of our agreements for the hydraulic portion on an hourly basis because each structure will be different. Mr. Neal stated this change more than doubled the contract. Mr. Matt Knight stated DNR has shifted some of the work their staff used to do, to the customer. We would look at each bridge as an isolated case and then we would give the data to DNR, their engineers would look at it as to what the cumulative effect is on the entire watershed. Now we are having to look more at the cumulative effect going upstream and downstream, looking at past permits, what has changed in the watershed, etc. This is basically for any creek that has had a flood insurance study done on it, which will be anything in an urban area. Holt stated this is one more chance to kick something down to local government from the State. Holt motioned that we send a letter of protest to each of our State Legislators and the Governor's office objecting to this change in policy. He would think that virtually every county would be doing this with consulting engineers, which takes our costs up where they would have a staff person that would be doing it statewide. It can't be an efficient use of tax dollars for them to sacrifice their expertise and tell everybody to go out and do it on their own. There a regulated waterway and the State would know better than a locality of what the effects are upstream and downstream on the channel. Altman stated it is a duplication of efforts, if it is a cumulative calculation. Altman seconded. Motion carried unanimously. Holt asked Mr. Knight to prepare a draft letter for the Commissioners to review.

**Bridge #134 Supplemental Agreement No. 2:**

Mr. Neal requested approval of Supplemental Agreement No. 2, HCHD #E-03-0004 with DLZ Indiana LLC. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Subdivision Inspection Agreement:**

Mr. Neal requested approval of an amended Supplemental Agreement, HCHD #A-03-0005 for subdivision inspection for Shelborne Park, Section 2 between Hamilton County, EDIS and Shelborne Park LLC. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Concurrence with Traffic Study Correspondence: [1:26:11]**

Mr. Neal requested approval of the List of Correspondence Concerning Investigations of Requests for Signage on Hamilton County Roads. Letter from Russell Eadds requesting a "No Outlet" warning sign at Conner Street south of SR 32/38 in Noblesville Township. The Highway Department recommends installing two "No Outlet" warning signs. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Correspondence [1:26:46]**

**INDOT Request for Traffic Signal at SR 19 and Field Drive:**

Mr. Brad Davis requested approval of a letter to INDOT requesting their expedience on the installation of a traffic signal at SR 19 and Field Drive. Holt motioned to approve. Altman seconded. Motion carried unanimously. Holt stated this comes out of a meeting that we had with Mayor Ditslear where Dillinger was leading the request to have this signal installed and we should send a letter of support. Altman stated we have kids crossing a State highway and it is an unsafe situation. Dillinger stated the site distance when you head west and turning south makes it difficult. More importantly that bridge links up the northern part of the community to Forest Park, there is also the Potter's Bridge Trail that comes to the bridge, which means over the summer we will have a lot of pedestrians and kids crossing SR 19 at that point. It is imperative that we encourage the State to put a stop light at that location. We feel it is very unsafe at this point.

**Bridge #182, 131st Street over Sand Creek: [1:28:30]**

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Mr. Neal stated Bridge #182, 131st Street over Sand Creek is the discussion we had with the meeting with the Fishers Town Council. Mr. Neal would like concurrence that we will proceed with widening that structure. We should be coming to the Board shortly with a recommendation for a design firm. The Commissioners gave their concurrence.

**Permission to Advertise**

**Resurface Contract 04-2, Various Roads in Noblesville and Wayne Townships:**

Mr. Neal requested permission to advertise for Resurface Contract 04-2, Various Roads in Noblesville and Wayne Townships for approximately 5.25 miles of road. It is scheduled to bid March 22, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Highway Meeting:**

Mr. Davis reminded the Commissioners that the regularly scheduled meeting between the Commissioners and the Highway Department is Friday, February 27, 2004 at 7:30 am.

**Commissioner Committee Reports [1:30:30]**

**Weights & Measures - Boone County:**

Altman stated she met with Boone County Commissioner Betty Lou Cooper and they are requesting the Boone County Council approve an additional appropriation of \$30,000 to their Weights and Measures budget which would increase their contribution if we agree to continue to work with them. The numbers presented by Cary Woodard indicated that he thought at least \$28,000 was needed. This additional would include the \$28,000 plus allow additional compensation for the additional time in traveling to Boone County. She had discussed this with the Hamilton County Council and they want to make sure there is a capital cost included in the contract for the provers, etc. Altman stated this would be a significant contribution and would be a cost sharing arrangement. Altman motioned to enter into a contract with Boone County for 2004, a one year contract, on a cost share basis use the base contract making clear that it is a cost sharing arrangement for the sum of \$30,000. Holt seconded. Altman and Holt approved. Dillinger opposed. Motion carried.

**Administrative Assistant [1:33:06]**

**Noblesville Meeting:**

Mr. Fred Swift stated it was agreed upon to meet with Noblesville on March 12th. Commissioner Holt has a conflict on that date. Dillinger stated that was a drop dead date for Noblesville, would you have any objections to us having the meeting and if there is something we can't agree on we would carry over to Monday's meeting? Holt stated there is significant financial issues involved with that meeting. Altman stated the Commissioners need to meet in Executive Session to determine what we want to do. Dillinger asked if we could do that this Friday.

**Sheriff:**

Sheriff Carter stated he was on the Executive Session agenda for today and he requests to be placed on the Executive Session Agenda for the next meeting.

**Attorney [1:37:26]**

**EMA Grant Application:**

Mr. Michael Howard presented Amendment #1 to the Community Emergency Response Team Sub-Grant Application. The additional amount requested is \$1,288.24. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Retaining Wall and Flood Plain Access Agreement:**

Mr. Howard stated during this morning's Drainage Board meeting the Board approved a Retaining Wall and Flood Plain Access Agreement for a parcel of property located north of 146th Street and immediately west of Cool Creek. That document was signed by the Drainage Board, but to the effect that it modifies an existing ordinance of the County, he would suggest the Board by motion ratify that motion and it will be placed in to the record. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**ASC Contract:**

Mr. Howard stated he has requested amendments to the ASC Contract for Third Party Administration for Hamilton County's Liability and Casualty Insurance. ASC has not e-mailed the amended contract back. It will be on the next meeting agenda.

**Ordinance 02-23-04-A, Creating the Airport Capital Fund:**

Mr. Howard presented Ordinance 2-23-04-A, Creating an Airport Capital Fund. Under the Indianapolis Executive Airport FBO Agreement and pursuant to federal law from time to time there are funds that come to the County for the airport from the net proceeds of operation or federal or state matching grants. Altman asked once the funds go in to the non-reverting fund, how are they expended, based upon appropriation of Council or the Aviation Board? Mr. Howard stated it is by the Board. This will not be a big amount of money. If it is a large amount, it will be appropriated from the Council to deposit into the fund and then it would be designated for purposes at that time. Holt motioned to approve Ordinance 02-23-04-A for first reading. Altman seconded. Altman asked if any of these funds from the operating revenues ever anticipated to offset bonding costs? Mr. Howard stated no. Altman asked that the Aviation Board provide an accounting to us on an annual basis of receipts and expenditures. Motion carried unanimously.

**Resolution 2-23-04-02, Concerning Military Duty of a County Employee:**

Mr. Howard presented Resolution 2-23-04-2, A Resolution of the Board of Commissioners of Hamilton County Concerning Military Duty of A County Employee. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Elwood Wilson Drain Petition:**

Holt motioned to petition to have the Elwood Wilson Drain relocated under the criminal justice facility on Cumberland Road. Altman seconded. Motion carried unanimously.

**Auditor [1:48:36]**

**Delinquent Tax Parcels:**

Ms. Robin Mills stated she has received delinquent tax parcel notices on two parcels the County owns. Ms. Mills requested direction on what to do with these parcels. One of the parcels is on the Ramps project and the other parcel is in Fishers. Mr. Howard stated it was his understanding that the taxes were paid up to the assessment by the private developers. Ms. Mills stated we may have to request an additional appropriation to pay these taxes. Ms. Mills will work with Mr. Howard.

**Rescind Ordinances:**

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Ms. Mills stated she has been cleaning up funds and there are two projects that are completed. Ms. Mills requested the Ordinances be rescinded so we can re-use the fund numbers. The ordinances are 2-12-96-A, Capital Project COIT Fund #276 and 11-14-00-A, Hamilton County Senior Services Project Fund #363. Altman motioned to rescind both ordinances. Holt seconded. Motion carried unanimously.

**Liability Trust Claim:**

Ms. Mills requested approval of a Liability Trust Claim payable to Miller's Auto Body in the amount of \$3,433.97. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Drainage Board:**

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2004-00005 - Fidelity and Guaranty Insurance Company Performance Bond No. 400TC6902 for the regulated drain construction in West Carmel Center, Block C - \$16,426.00. 2) HCDB-2004-00005A - Fidelity and Guaranty Insurance Company Performance Bond No. 400TC6902 for the regulated drain construction in West Carmel Center, Block C - \$16,426.00 (Rider changing the name from Hamilton County Drainage Board to Hamilton County Board of Commissioners). 3) HCDB-2004-00006 - Arch Insurance Company Subdivision Bond NO. SU5005254 for The Ridge at Hayden Run, Section 2 - storm sewer, erosion control, monumentation and markers - \$103,659.03. 4) HCDB-2004-00007 - Arch Insurance Company Subdivision Bond No. SU5005338 for The Intracoastal at Geist, Section 2B storm sewer - \$8,105.00. 5) HCDB-2004-00008 - Arch Insurance Company Subdivision Bond No. SU5005339 for The Intracoastal at Geist Section 2B erosion control - \$3,636.00. 6) HCDB-2004-00009 - Arch Insurance Company Subdivision Bond No. SU5005340 for The Intracoastal at Geist, Section 2B monuments and markers - \$780.00. 7) HCDB-2004-00010 - Arch Insurance Company Subdivision Bond No. SU5005342 for The Intracoastal at Geist Section 4A storm sewer - \$50,932.00. 8) HCDB-2004-00011 - Arch Insurance Company Subdivision Bond No. SU5005343 for The Intracoastal at Geist, Section 4A erosion control - \$4,747.00. 9) HCDB-2004-00012 - Arch Insurance Company Subdivision Bond No. SU5005344 for The Intracoastal at Geist, Section 4A - monuments and markers - \$780.00. 10) HCDB-2004-00013 - Fifth Third Bank Irrevocable Standby Letter of Credit No. CIS402159 for the Marina Village Duplex storm sewer and sub-surface drain - \$58,015.00. 11) HCDB-2004-00014 - Fifth Third Bank Irrevocable Standby Letter of Credit No. CIS402158 for the Marina Village Duplex erosion control - \$35,000.00. 12) HCDB-2004-00015 - Fifth Third Bank Irrevocable Standby Letter of Credit No. CIS402157 for the Marina Village Duplex monumentation - \$3,500.00. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Treasurer's Monthly Report:**

Ms. Mills requested approval of the County Treasurer's Monthly Report for January 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of Vendor Claims to be paid February 24, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Storage:**

Ms. Mills stated she is currently having all the Deductions documents imaged. When the project is complete the original documents will need to be stored. There is no room in the sub-basement for storing these documents. ITC has said they could store the documents for six months at which time those documents could be destroyed. We will no longer need the binders, approximately 300 binders, should they be placed in the County Sale? The Commissioners asked Ms. Mills to ask if any county entity could use them.

**Bid Award**

**Bridge #145, Oak Road over Cool Creek:**

Mr. Neal stated they have reviewed the bids for Bridge #145, Oak Road over Cool Creek. They recommend the award of the project to Duncan Robertson, Inc. in the amount of \$256,357.01 as the lowest bidder. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**HIPPA Business Associate Agreement:** [1:55:18]

Ms. Sheena Randall requested approval of the Addendum to Agreement with Business Associate for Robert John Elmer in order for compliance with HIPPA Requirements. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Insurance Fair:**

Ms. Randall requested permission to hold an employee Insurance Fair. Information will be provided by American Unite Life, Cincinnati Life Insurance and American Family Insurance. The Insurance Fair will be held March 1 and 2, 2004. Follow-up dates would be on March 8 and 9, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Insurance Committee:**

Ms. Randall stated the Insurance Committee will meet on March 12, 2004 at 10:30 am.

**SBC Contract:** [1:59:17]

Ms. B.J. Casali requested approval of the SBC Contract for ISDN Prime which are the phone lines that come in to our PBX that connects the two buildings with our phone system. It is a renewal contract for three years. The current contract expires in March. It is an approximate savings of \$700-\$800 per month savings from the current contract. Altman asked if it makes sense to go in to a three year contract? Ms. Casali stated yes, we are contemplating investigating voice over IP it will require a major equipment upgrade as well as changing all the handsets in both buildings and that will be 2-3 years to plan for budget purposes. Altman asked if there is a clause that allows us to terminate in the event we do not receive funding from Council? Ms. Casali stated no, it is not in there. Altman stated it will need to go in the contract because we can not approve a contract over one year without an out clause. Ms. Casali will bring the contract back to the next meeting.

**ISSD Payroll:**

Altman stated Ms. Casali is the only department head that does not sign her own payroll for her employees. Altman did not see any reasoning for that. Ms. Casali stated the only other department that does not sign their own payroll is Weights and Measures. Altman motioned that Ms. Casali be allowed to sign her own payroll. Holt seconded. Motion carried unanimously.

**Fiduciary Policy for Employee Benefit Trust:**

Ms. Randall stated Doug Walker has requested approval and signature on the renewal of the Fiduciary Insurance Policy with Fidelity Bank for the Hamilton County Employee Benefit Trust. Holt motioned to approve. Altman seconded. Ms.

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Randall stated the coverage was extended from January 1 to February 1 and Mr. Walker is concerned that this be signed. Dillinger asked Mr. Howard to contact Mr. Walker.

**Employee Request:**

Mr. Howard requested signature on a letter denying an employee's request for payment for time away from work on February 3, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Dillinger called a break in the meeting.

Dillinger called the meeting back to order. [2:33:05]

**Fiduciary Policy Continued:**

Mr. Howard stated he was unable to reach Doug Walker regarding the Fiduciary Policy. Holt motioned to table this issue until the next meeting. Altman seconded. Motion carried unanimously.

**Resolution 2-23-04-1, Transfer of Certain Parcels - Carmel Redevelopment:**

Mr. Howard stated the Resolution 2-23-04-1 from the Carmel Redevelopment Commission is for the transfer of certain parcels that have not been annexed by the City of Carmel to the Carmel Redevelopment Commission for purposes of creating an allocation district. The first district are parcels along Illinois Street as part of the Illinois Economic Development Area. The second district concerns a creation of a Hazel Dell south area to capture funds to construct improvements to 96th Street between Keystone Avenue and Westfield Boulevard. That road is part of the county's inventory. Jason Semler, Umbaugh & Assoc., showed the Commissioners a map showing the involved parcels. The plans are to develop the Illinois Street corridor to be developed as a west side service road to US 31. This is in response to INDOT's proposed improvements to US 31 that will reduce the access to US 31 by local traffic. Mr. Howard stated the reason for inclusion of some residential parcels is that there is a statutory requirement that the area be contiguous. Altman asked if there are any other areas within the Illinois Street Economic Development area that are not depicted on this map? Mr. Semler stated no, it should be on this map. Altman stated the sole purpose of the Illinois Street Economic Development is the improvement of Illinois Street in this area? Mr. Semler stated they are making amendments that can be used for other projects that are benefiting. It could be the City Center Area. Altman asked how does this benefit the City Center? Mr. Semler stated you could say this area's development has increased because of the downtown. Altman asked how do you justify that? Altman asked Dillinger and Holt if this came up in the meeting you had with Mayor Brainard? Holt stated no. Mr. Semler and Holt discussed the economic development areas. Mr. Howard asked if everything north of 116th Street is in the process of annexation? Mr. Semler stated it has been completed, it has been annexed. Holt asked if this is all un-improved ground at this time, other than residential? Mr. Semler stated yes. Holt motioned to approve 2-23-04-1. Dillinger seconded. Mr. Semler showed the 96th Street Economic Development Area on the map. The intent is to make improvements to the 96th Street corridor. Altman stated the part you have asked to pull over is county road jurisdiction. Are you going to improve county roads? Is Carmel going to assume jurisdiction over that portion? Mr. Semler stated with this resolution, no, that has not been included in our parcels. Altman stated as she sees the map, Carmel is taking the western portion of the right of way, west of Keystone on the north side. Altman stated that is county road jurisdiction. Is Carmel going to assume jurisdiction over that part of the road? Mr. Semler stated he will have to find that out. Mr. Howard stated they are trying to get this done by March 1. Holt stated we have an advertised meeting this Friday at the Highway Department. Why don't we ask them to come and explain what the projects are for the TIF. Altman stated if Carmel assumes jurisdiction over the roadway she would not have a problem with this resolution, but she has not heard any indication that Carmel is willing to assume jurisdiction by agreement. Holt stated there was some discussion about a roundabout on Rangeline where 96th Street comes in on the north side of the bridge and another one on the south side of the bridge that Mayor Brainard thought would dramatically increase the amount of traffic that could be handled there. He was going to talk to Marion County on the south side. The problem is this TIF area stops short of that. Mr. Howard stated it could be used to fund the project on over to Westfield because the statute says "contained within or benefiting the area". Holt asked why would he have not included the rest? Mr. Howard stated it is all residential. Altman would like to see the complete TIF map for Hazel Dell and the complete TIF map for Illinois Street. It is impossible to make any decisions unless we know how this interplays with your projects and what you have going now. Mr. Howard stated there needs to be a written commitment listing construction responsibilities on 96th Street. Altman stated she understands there was a verbal agreement with a roundabout at 116th Street and Springmill, that needs to be reduced in writing before we relinquish on the property. Altman motioned to table until Friday. Holt seconded. Motion carried unanimously.

**4-H Fairgrounds Ground Lease Proposal:** [2:47:30]

Dillinger stated we have received a letter requesting a Ground Lease Proposal on the 4-H Fairgrounds property to install Cingular facilities on the fairgrounds property. Holt motioned to forward the request to the 4-H Properties Committee. Altman seconded. Motion carried unanimously.

**CSX Railroad:**

Ms. Mills stated due to Judge Hughes ruling on the right of ways for the railroad Melissa Dashiell, Transfer & Mapping Department Manager, has prepared a list of questions for Mr. Howard regarding the deeds, etc. Holt asked who is generating the deeds? Ms. Mills stated she does not know. Mr. Howard stated there are notices going out to property owners and there is compensation available to them. There are no instructions on how they file the claims. Altman stated she does not see deeds coming in, it is a claim from the compensation fund from the class action suit. Altman stated it will be a clarification of who owns what. The ruling indicated whether CSX owned it or the adjoiners owned it. Ms. Mills stated it is more involved than that, she believes there will be deed issues and quit-claim deed issues.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously. [2:52:00]



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Commissioners Correspondence

Weights and Measures Letter from Boone County Commissioners

INDOT List of Projects

Beam, Longest and Neff Notice of Transmittals:

Bridge #257, Lantern Road over Shoemaker Ditch

Bridge #110, 186th Street over Cool Creek

IDEM U.S. EPA’s 8-hour Ozone Standard Designations

IDEM U.S. EPA’s Fine Particulate Matter Standard Designations

IDEM Title V Operating Permit Renewal Application:

Industrial Dialectics, Inc. - Noblesville

IDEM Notice of Sewer Permit Applications:

Lift Station No. 2 Upgrade and Force Main Project - Carmel

Bainbridge Subdivision - Carmel

Somerset, Section 2A, Fishers

Marilyn Ridge, Section 2 - Noblesville

The Bristol’s, Section 3A - Fishers

Village of West Clay, Section 5003, Carmel

Mill Grove, Section 5, Noblesville

Whispering Woods, Phase Two, Fishers

Bank One, Fishers

IDEM Notice of Sanitary Sewer Construction Permit Applications:

Bank One, Fishers

Wastewater Treatment Plant Expansion, Westfield

Marilyn Ridge, Section 2, Noblesville

Present

Christine Altman, Commissioner

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Administrative Assistant to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Doug Carter, Sheriff

Brad Davis, Highway Director

Jim Neal, Highway Engineer

Virginia Hughes, Administrative Assistant to Highway Engineer

Amber Emery, Highway Public Service Representative

Dave Lucas, Highway Inspector

Robert Chadwell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Mark Fisher, Highway Technical Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer

Faraz Hahn, Highway Department

Dan Mayer, Envoy

Larry Dawson, Envoy

John Barbee, Envoy

Joe Mrak, RQAW

Dan Stevens, Sheriff’s Department

Jeff Marcum, Juvenile Detention Center

Sally Wilson, Treasurer

Becki Wise, USI

Mike Booth, Town of Fishers

Sheena Randall, Human Resources Manager

John Elmer, Insurance Agent

Dave Richter, United Consulting Engineers

George Piper, Noblesville Daily Times

Dennis Neidgh, CMT

Diana Lamirand, Ledger

HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST:

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Robin M. Mills, Auditor